

## SELF-DISCLOSURE QUESTIONNAIRE

Please provide the information requested below for each potential violation disclosed to the U.S. Environmental Protection Agency ("EPA") by DuPont Seaford Plant ("DuPont") in its letter of September 24, 1999. Correlate each answer to the specific violation to which it applies.

### INFORMATION ON THE VIOLATION

1. Provide the following information pertaining to the facility where the violation disclosed by DuPont occurred:

- a. the name and complete address of the facility;
- b. the Standard Industrial Classification (SIC code) of the facility during calendar years 1996, 1997, and 1998;
- c. the number of employees at the facility during calendar years 1996, 1997, and 1998.

2. Describe the violation, provide the date of the violation, and identify the specific regulatory or statutory provision(s) violated. For violations of Section 313 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. § 11023, identify each toxic chemical that should have been, but was not, reported on a Toxic Chemical Release reporting form ("EPA Form R") in accordance with 40 C.F.R. Part 372, provide copies of applicable Material Safety Data Sheets, and list the quantity of each such toxic chemical manufactured, processed, or otherwise used during each calendar year since January 1, 1996.

### INFORMATION ON HOW THE DISCLOSURE MEETS THE *AUDIT POLICY* CRITERIA

#### Condition 1--Systematic Discovery

3. State whether the violation of a federal, state, or local regulation was discovered by means of a systematic, internal environmental audit or through "due diligence." "Due diligence" refers to a regulated entity's systematic efforts, appropriate to the size and nature of its business, to prevent, detect, and correct violations through appropriate compliance policies, standards, and procedures. Please refer to the definition of "due diligence" provided in Section II.B of the *Audit Policy*.

4. If DuPont discovered the violation through "due diligence," as defined in EPA's *Audit Policy*, provide the following:

- a. an explanation of how DuPont's practices and procedures leading to the discovery of the violation constituted such "due diligence";

- b. copies of compliance policies, standards, and procedures describing how DuPont's employees are expected to comply with environmental requirements;
- c. documents describing the assignment of responsibility and accountability for ensuring corporate and facility compliance with environmental policies, standards, and procedures;
- d. a description of DuPont's efforts to assure proper implementation of its environmental compliance policies, standards, and procedures;
- e. a description of DuPont's efforts to communicate environmental compliance standards and procedures to its work force; and
- f. a description of DuPont's procedures, including monitoring and auditing systems, to detect, correct, and prevent the recurrence of environmental violations.

5. If the violation was discovered by means of an environmental audit, as defined in Section II.B of the *Audit Policy*, provide the following:

- a. the date(s) on which the environmental audit or systematic procedure or practice that identified the violation was conducted.
- b. a copy of written environmental audit policies and procedures for the facility where the disclosed violation occurred, including any policies and procedures that indicate the scope of the audit, the process for examining audit findings, the protocol for communicating audit results to management, auditor conflict of interest policy, auditor education and training requirements, and follow-up measures.
- c. the frequency of environmental audits of the facility where the disclosed violation(s) occurred, and the frequency of audits related to compliance with the law involved in this disclosure. Include the dates on which the last two environmental audits were conducted and the dates on which the last two audits that included the statute involved in this disclosure were conducted at the facility prior to the date of the disclosure.
- d. a copy of any written policy or directive applicable to the facility where the disclosed violation occurred that requires correction of environmental violations and procedures to prevent their recurrence. If no such policy or directive exists, please so state.
- e. a description of the relationship between the facility referred to in paragraph 1, above, and the person(s) responsible for conducting environmental audits. Explain how DuPont ensures that the auditors' tasks or inquiries are carried out in an objective and unobstructed manner. Explain how personal, financial, or other potential conflicts of interest between the individuals conducting an audit and DuPont are prevented.

6. Identify the name, title, and employer of each individual who discovered the violation.

**Condition 2--Voluntary Discovery**

7. Was the disclosed violation identified through an activity which DuPont was legally required, by a federal or state statute, regulation, or permit, to perform and/or report on? If so, identify the authority under which the activity was required.

**Condition 3--Prompt Disclosure**

8. Provide the date on which the disclosed violation was initially discovered. If the violation was discovered by an independent auditor (a person not employed by DuPont), provide the date and the manner in which DuPont was made aware of the violation. If DuPont believed additional analysis or information was needed after the initial discovery to determine whether a violation existed, state the reasons for the additional analysis.

9. Did DuPont disclose the violation within ten (10) days of the date of the initial discovery, or such shorter period as may be provided by law? If not, please explain, in detail, the reasons that the violation was not disclosed within 10 days of the initial discovery.

**Condition 4--Independent Discovery and Disclosure**

10. Has DuPont received prior notification of a citizen suit or third party legal action for the violation disclosed or a closely related violation? If so, please describe the action and provide a copy of the notice.

11. Did DuPont receive notice of a planned federal, state, or local agency inspection or investigation or receive an information request from a federal, state, or local agency prior to disclosing the violation described in DuPont's letter of September 24, 1999?

**Condition 5--Correction and Remediation**

12. Explain in detail all measures by DuPont to correct and remedy the violation. Provide an estimate of the length of time it took or will take to complete these measures. If DuPont estimates that more than 60 days are needed to correct the violation, please explain fully the basis of the estimate and provide the opinion of any technical or engineering expert relied upon to arrive at that estimate.

**Condition 6--Prevent Recurrence**

13. Describe all measures which DuPont *agrees* to implement in order to ensure that the violation disclosed will not recur. Include any improvements made to DuPont's auditing or due diligence procedures to prevent recurrence of the violation.

### **Condition 7--No Repeat Violations**

14. Within the three years preceding the disclosed violation, did a federal, state, or local agency issue a notice of violation, enforcement action, or settlement thereof to the facility referred to in paragraph 1, above, for the type of violation disclosed by DuPont, or a closely related violation? If so, provide a copy of each action.

15. Identify each violation of federal, state, or local environmental requirements at any DuPont facility within the five years preceding the disclosed violation.

### **Condition 8--Other Violations Excluded**

16. Did the disclosed violation result in any serious actual harm to human health or the environment? Provide a full explanation of your response to this question.

17. Did the disclosed violation present or have the potential to present any form of endangerment to public health or the environment? Provide a full explanation of your response to this question.

18. Did the disclosed violation violate the specific terms of a judicial or administrative order or consent agreement? If so, please provide a copy of the order or agreement violated.

### **Certification**

On the last page of your response to this Questionnaire, include the following certification for signature by the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other executive with authority to perform similar policy or decision-making functions of the corporation:

I certify that I am fully authorized by DuPont Corporation to provide the above information on its behalf to the U.S. Environmental Protection Agency regarding DuPont Corporation's self-disclosure of potential environmental violations as described in its letter dated September 24, 1999. I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

**Confidential Business Information**

DuPont is entitled to assert a claim of business confidentiality covering all or any part of the information it submits, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted at the time the required information is submitted to EPA, EPA may make this information available to the public without further notice to you.

**This request for submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 *et seq.***